

**Notice of Allowability****Application No.**

10/091,883

**Examiner**

Callie E. Shosho

**Applicant(s)**

YOSHIMURA ET AL.

**Art Unit**

1714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/17/03 and telephonic interview conducted 10/17/03.
2. ☒ The allowed claim(s) is/are 22-36 and 38-56.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/523,619.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                              |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), <del>Paper No.</del> <u>10/17/03</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                      |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                     |
|  | 9 <input type="checkbox"/> Other  |

**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Claim 29, line 3, before "an", insert "a metal coated inorganic pigment which is".

(2) Claim 33, line 5, before "an", insert "a metal coated inorganic pigment which is".

(3) Claim 35, line 4, after "succinoglucan" and before "dextran", delete "or" and insert "and".

(4) Cancel claim 37.

(5) Claim 38, line 3, after "comprises" and before "an", insert "a metal coated inorganic pigment which is".

(6) Claim 40, line 4, before "an", insert "a metal coated inorganic pigment which is".

(7) Claim 42, line 4, before "an", insert "a metal coated inorganic pigment which is".

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(8) Claim 44, line 4, before “an”, insert “a metal coated inorganic pigment which is”.

(9) Claim 49, line 3, after “succinoglucan” and before “dextran”, delete “or” and insert “and”.

2. Authorization for this examiner’s amendment was given in a telephone interview with David McConoughey on 10/17/03.

**Statement of Reasons for Allowance**

3. Prior to setting forth the Reasons for Allowance, it is noted that a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/17/03 has been entered.

4. The present claims are allowable over the "closest" prior art JP 10077438, JP 7118592, and EP 600205 for the following reasons:

JP 10077438 discloses a water-based ink for ball-point pens comprising 1-10 wt% pigment such as mica coated with titanium oxide or iron oxide which has diameter of 5-60  $\mu\text{m}$ , 0.1-10 wt% colorant, 0.1-3 wt% water-soluble resin which is polysaccharide such as succinoglucan, 5-30% water-soluble solvent, and water. There is also disclosed a ball-point pen containing the above ink wherein the pen comprises an ink container which is a hollow tube with a ball-point pen tip attached to one end as well as a method of using the pen.

JP 7118592 discloses a water-based ink for ball-point pens comprising 5-20 wt% pigment such as mica coated with titanium oxide or iron oxide which has diameter of 5-60  $\mu\text{m}$ , water-soluble resin including polysaccharide such as xanthan gum, 5-40% water-soluble solvent, dye or pigment, and water. There is also disclosed a ball-point pen containing the above ink wherein the

pen comprises an ink container which is a hollow tube with a ball-point pen tip attached to one end as well as a method of using the pen.

EP 600205 discloses a water-based ink comprising 0.5-25% pigment such as mica coated with titanium oxide or iron oxide which has diameter of less than 20  $\mu\text{m}$ , 0.5-20% water-soluble resin, 0.5-10% pigment, 0.1-10% dye, 0.5-2% water-soluble solvent, and water. There is further disclosed a writing tool which has an ink container comprising the ink.

Thus, JP 10077438, JP 7118592, and EP 600205 each disclose ink comprising mica coated with titanium oxide or iron oxide, i.e. pigment coated with metal oxide. This is in direct contrast to the present claims that now all require pigment coated with metal. There is no disclosure or suggestion in either JP 10077438, JP 7118592, or EP 600205 of pigment coated with metal as presently claimed.

Further, applicants' amendment filed 7/17/03 overcomes the 35 USC 112, first paragraph and second paragraph rejections of record.

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Callie E. Shosho  
Primary Examiner  
Art Unit 1714

CS  
10/17/03